REMARKS

Claims 49-68 are pending in the application. Claims have been rejected under 35 U.S.C. 112 and 35 U.S.C. 102. In view of the above amendments to the claims, and the remarks below, reconsideration is respectfully requested.

Prior to addressing the specific rejections made in the Office Action, it would be useful to reiterate some of the features and distinctions of the presently claimed invention. The present invention to an archive for long term storage and retrieval of biological samples. The system and methods described and claimed are not related to what is termed in the art as an "automated analyzer". The present invention is directed to a distinct system and means which allow for extremely long-term and stable storage and retrieval of biological samples in a dry and room temperature format state, (as provided by the fibrous substrates having immobilizing treatment thereon, set forth in the specification at page 5, lines 13-15) and to the selection and repetitive use of portions of the once obtained sample. Thereafter, the selected sample portions may be used for any kind of subsequent analyses, but the analyses *per se* are not a primary aspect of the present invention. In the manner set forth in the specification and claims, a once obtained sample may be preserved for twenty years or more without degradation, with intermittent use during such a long term period. Such a system is a long sought need in advancing drug and medical research.

Turning now to the specifics of the Official Action, Claims 56-66 were rejected under 35 U.S.C. 112, second paragraph. The presently amended claims more distinctly point out with particularity the relation and cooperation between elements and means of the claimed invention. It is respectfully asserted that these amended claims meet the requirements under 35 U.S.C. 112 and therefore this rejection be removed.

Claims 49-64 and 67-68 were rejected under 35 U.S.C. 102(b) as being anticipated by Liston et al., Harris et al., Babson et al., and Chan et al. It is respectfully asserted that none of the cited references teach or even suggest what is the subject matter of the presently claimed invention. Liston et al. (4,595,562) is a chemical analyzer system for loading containers of fluids (col. 1 line 9, and col. 2, line 53) such as patient blood in a tube (col. 12, lines 18-20). Moreover, the samples in the Liston et al. system are discarded after a single use from the analyzer (col. 14, line 33). There is no mention nor provision for a dry state and stabilized sample on fibrous media, in a multiple use sample archive .

Likewise, Harris et al. (5,096,670) is a patient sample analyzer wherein liquid serum or plasma (col. 1, lines 28-29) are loaded for analysis from sample tubes 30. Sample is discarded after a single use (col. 15, lines 57-60). There is no mention of sample stored in a dry and stable format, for repeated use.

Similarly, Babson et al. (5,316,726) describes an immunoassay analyzer with specially designed wells for fluid samples, and would not be at all operable with a stabilized sample portion on dry fibrous media. In Step 116 of the described system of Babson, the entire sample tubes are discarded after a single use.

Chan et al. (5,120,662) describes and claims a "test card" assay device onto which specific antigens are immobilized, and antibody-antigen complexes are detected in a subsequent contacting of a test sample. There is no suggestion or mention of sample storage, or repeated use of stabilized sample portions.

It is respectfully stated that none of the cited references disclose or suggest the presently claimed invention. In fact, the references depict quite the opposite, that is, the handling and limitations presented with fluid handling sample systems. None of the references suggest the archival of dry and stable samples for multiple and selective long term use, and clearly none would be operable as a storage archive. It is respectfully requested the above rejection under 35 U.S.C.102 (b) be removed.

Claims 49-64 and 67-68 were also rejected under 35 U.S.C. 102(e) and being anticipated by Balch et al.

Balch et al. (6,331,441) describes a "universal probe based array", wherein dual-specific oligimers are arranged in known locations, for detection of species in an analyte solution. Such arrays are merely an example of later analysis of analyte obtained, for example from amplification and detecting binding events, but are not otherwise relevant to the present claims, which are directed to the long term storage and selective retrieval of stabilized samples. This is the manner in which the Balch et al. reference was described (at page 3, lines19-20 as patent application 09/217,154) of the present specification. Balch et al. does not disclose or suggest the storage, nor any selective retrieval of such stored samples, which is the field of the present invention. It is respectfully submitted the presently presented claims clearly define over the reference, and this rejection under 35 U.S.C. 102 (e) be removed.

It is respectfully asserted that the amended claims are patentable over the prior art, and none of the cited references disclose, nor suggest the presently claimed invention, and none of the prior art, alone or in combination, would be operable as the system and means presently claimed.

If the Examiner believes that a telephone conference with the undersigned would expedite passage of the present patent application to allowance and issue, they are cordially invited to call the undersigned at the number below.

Respectfully submitted,

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